

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 3  
FOR THE REGULAR MEETING OF  
MONDAY, MARCH 14, 2005 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-S407: Retention of Outside Counsel in the Matter Related to De Anza Harbor and Resort.

(Mission Bay Community Area. District 6.)

**CITY ATTORNEY’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-950)

Authorizing and directing the City Attorney to execute the fee agreement with Duckor Spradling & Metzger (the Firm), for an additional amount not to exceed \$300,000, for additional services from the Firm now needed by the City in connection with the De Anza matter.

**SUPPORTING INFORMATION:**

On September 12, 2003, the City retained attorney Anna F. Roppo of Higgs, Fletcher & Mack for legal services in connection with the transition of De Anza Harbor Resort from a privately operated mobile home to City-operated park and recreation use, including defense of De Anza Homeowners Association, Inc. (De Anza HOA case) v. City of San Diego, San Diego Superior Court Case No. GIC 821191. The City spent \$200,709.89 of \$250,000 authorized for legal services under this original contract.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S407: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Ms. Roppo joined the law firm of Duckor Spradling & Metzger (now, Duckor Spradling Metzger & Wynne) effective April 26, 2004. On September 7, 2004, the City Council authorized continued legal services from that firm in an amount not to exceed \$300,000.

In addition to the defense of the City and prosecution of the City's Counterclaim in the De Anza HOA case, the services provided by Duckor Spradling Metzger & Wynne include the processing and filing of unlawful detainer actions against residents delinquent in rent, processing and filing abandonment proceedings for abandoned mobile homes, coordinating settlement agreements with residents (resulting in 181 signed settlement agreements), addressing residents', opposing counsel's, and the court's concerns regarding the infrastructure issues (sewer, gas, and water lines and trees), and coordinating with the City Attorney's Office on the action filed by the City against the prior lessee, De Anza Harbor Resort & Golf. Approximately 51% of the total spent to date for legal expenses has been for the defense of the De Anza HOA case and approximately 49% has been spent on the other issues related to property management support. To date, all expenses have been funded out of the Public Liability Fund. The recommended split in costs between the public liability fund and the De Anza Operating Fund reflects the allocation outside counsel's time in the past. Moving forward, staff recommends that the funding source for the defense of De Anza HOA case continue to be the Public Liability Fund, but that the expenses related to property management support be billed separately and funded out of the De Anza Operating Fund. This action seeks an additional amount not to exceed \$300,000 for continued representation of the City by Duckor Spradling Metzger & Wynne, bringing the total amount of funds authorized for this contract to \$800,709.89.

Aguirre/Ewell

Aud. Cert. 2500814.